

Docket No.: 2923-308



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of LUBITZ et al.

Serial No.: 09/147,693

Filed: February 17, 1999

For: NEW SYSTEMS FOR THE REGULATION OF GENE EXPRESSION

Group Art Unit: 1636

Examiner: W.O. Sandals

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated June 3, 2003 rejecting the following claims: 63-65, 71 and 72.

Applicant claims small entity status. Therefore, the fee for this Notice of Appeal is \$165.00.

An extension of time is requested for three months. The required fee for this extension of time is \$475.00. A request for an extension of time for two months along with the requisite fee was previously filed. Therefore, \$265 to cover the remaining balance for the three-month extension is enclosed.

A check for \$430.00 is enclosed.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-2135. An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

December 3, 2003

By

A handwritten signature in dark ink, appearing to read "P. Skacel", written over a horizontal line.

Patrick T. Skacel

Attorney for Applicants

Registration No. 47,948

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

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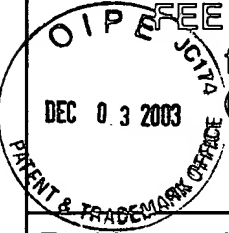
Telephone: (202)783-6040

12/04/2003 SDENB081 00000118 09147693

01 FC:2253
02 FC:2401

265.00 OP
165.00 OP

Image AP 1636

		Complete if Known			
		Application Number	09/147,693		
		Filing Date	February 17, 1999		
		First Named Inventor	LUBITZ et al.		
		Examiner Name	W.O. Sandals		
		Group Art Unit	1636		
Total Amount of Payment		(\$)	430.00	Attorney Docket Number	2923-308

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:
- ☒ Check
- ☐ Credit Card

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[]
2052	25	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
2251	55	Extension for reply within first month	[]
2252	210	Extension for reply within second month	[]
2253	475	Extension for reply within third month	[265*]
*(\$210 previously paid)			
2254	740	Extension for reply within fourth month	[]
2255	1,005	Extension for reply within fifth month	[]
2401	165	Notice of Appeal	[165]
2402	165	Filing a brief in support of an appeal	[]
2403	145	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
2452	55	Petition to revive -unavoidable	[]
2453	475	Petition to revive - unintentional	[]
2501	665	Utility issue fee (or reissue)	[]
2502	240	Design issue fee	[]
2503	320	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[]
2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	[]
2810	385	For each additional invention to be examined (37 CFR 1.129(b))	[]
2801	385	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing an application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
2001	385	Utility filing fee	[]
2002	170	Design Filing Fee	[]
2003	265	Plant Filing Fee	[]
2004	385	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

	Extra Claims	Fee	Fee Paid
Total Claims [] - 20** = [] x		\$ 9 =	[]
Independent Claims [] - 3** = [] x		43 =	[]
Multiple Dependent Claims +		145 =	[]


**or number previously paid, if greater;

SUBTOTAL \$

* Reduced by Basic Filing Fee Paid

SUBTOTAL

\$430

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Patrick T. Skacel, Reg. No. 47,948		
SIGNATURE		DATE	December 3, 2003
		DEPOSIT ACCOUNT USER ID	